

Appl. No. 10/518,841
Amdt. Dated April 23, 2007
Reply to Office Action of February 23, 2007

REMARKS

This application has been carefully reviewed in light of the final Office Action dated February 23, 2007. Claims 1-18 are pending. Claims 1, 2, 10 and 18 are independent.

In the Office Action, claims 1-4, 10-13, 17 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by International Publication No. WO 00/76233 to Hunte (hereinafter referred to as "Hunte").

Applicants maintain that Claim 1 of the present application is not anticipated by Hunte. In the "Response to Arguments" section of the Office action, the Examiner contends that:

[i]n response to applicant's argument ... it is noted that the features upon which applicant relies (i.e., adjusting the length of time between taking measurement) are not recited in the rejected claims.

Applicants submit that in applicants' previous response, applicants clearly argued that Hunte does not anticipate, for example, the feature of "instructing the secondary station, via the downlink control channel, of the length of time during which channel measurements used to generate each report should be made," as clearly recited by Claim 1 of the present application.

The feature pointed to by the Examiner as not being recited in the claims of the present application, "adjusting the length of time between taking measurement," was actually provided as applicants' understanding of what Hunte describes. Accordingly, applicants respectfully request that the Examiner re-read applicants' remarks, which have been included in large part below.

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Claim 1 is not anticipated by Hunte because claim 1 recites making channel measurements for a length of time, said measurements being used to generate a report (see claim 1). On the contrary, Hunte discloses varying the interval (IL) between channel measurements (see abstract and Fig. 2b). Instructing a secondary station to take measurements for a given length of time, as recited in claim 1, is not the same as adjusting the length of time between taking measurements, as disclosed in Hunte. Nowhere does Hunte teach or suggest a length of time within which measurements are made, instead Hunte teaches setting a length of time (IL) between measurements. Since Hunte does not teach each element of claim 1, claim 1 is not anticipated by Hunte. Applicants therefore respectfully request that the Examiner withdraw this rejection.

Independent claim 2, 10 and 18 comprises similar limitations as claim 1 and are therefore not anticipated by Hunte for at least the reason discussed above with respect to claim 1. Applicants therefore respectfully request that the Examiner withdraw this rejection.

Claims 3-4, 11-13 and 17 depend or indirectly from one of the aforementioned independent claims and are therefore not anticipated by Hunte for at least the reason discussed above with respect to claim 1. Applicants therefore respectfully request that the Examiner withdraw this rejection.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hunte in view of U.S. Patent No. 6,208,861 to Suzuki. Claim 5 depends from claim 2 and is therefore not unpatentable over Hunte in view of Suzuki for at least the reason discussed above with respect to

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claim 1. Applicants therefore respectfully request that the Examiner withdraw this rejection.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hunte in view of U.S. Patent No. 6,862,271 to Medvedev et al. Claim 14 depends from claim 10 and is therefore not unpatentable over Hunte in view of Medvedev for at least the reason discussed above with respect to claim 1. Applicants therefore respectfully request that the Examiner withdraw this rejection.

Request for Withdrawal of Finality of Office Action

Due to the incomplete/improper basis for the rejection set forth in the Office Action, applicants respectfully request that the finality of the Office Action be withdrawn.

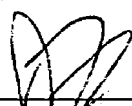
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In view of the foregoing, it is respectfully submitted that the currently-pending claims are in condition for allowance and favorable consideration is earnestly solicited.

Respectfully submitted,

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Date: 23 April 2007


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CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. 1.8

Date of Transmission: 23 April 2007

I hereby certify that this correspondence and enumerated documents are being transmitted to the U.S. Patent and Trademark Office on the date of transmission indicated above.

Name: James Dobrow

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